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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 01/02/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/492,288

Applicant(s)

YOSHIOKA ET AL.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12,15-17 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 4,13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10,12-17 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5-8,20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Kasai et al. (JP361048210A).

Regarding claims 1,20 and 22, Timm et al disclose an emergency reporting apparatus for a vehicle comprising a microphone (fig. 1; microphone 28); a loudspeaker (fig. 1, speaker 29); a hands-free system circuit (fig. 6; abstract; col. 3; lines 9-15; and fig. 1 and 5); and a means for allowing hands-free two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, and the hands-free system circuit; a communication device (see abstract and fig. 1); and a processor operates to implement handsfree two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, the handsfree system circuit, and the communication device (see abstract and fig. 1 and 5).

Timm et al are silent to disclose a volume control circuit connected to the loudspeaker for

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automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher during two-way speech communication between said emergency report receiving center and said emergency reporting apparatus; .

However, Kasai et al disclose a volume control circuit connected to the loudspeaker for automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kasai et al to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

Regarding claims 2 and 23, the emergency reporting apparatus for a vehicle of Timm as modified in view of Kasai et al comprising all of the limitation as applied to claims 1 and 22. Kasai et al also discloses wherein the volume control circuit controls the volume level at the predetermined constant level, and inhibits a user from changing the volume level (see abstract); means for preventing the volume level of sound generated by the loudspeaker from being decreased to less than the predetermined constant level (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kasai et al to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

Regarding claim 3, the emergency reporting apparatus for a vehicle of Timm as modified in view of Kasai et al comprising all of the limitation as applied to claim 1. Kasai et al also disclose the volume control circuit comprises means for controlling the volume level at the

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predetermined constant level during emergency reporting communication (see abstract); and means for allowing a user to change the volume (volume control in the abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kasai et al to Timm et al so that user can avoid the case of missing hearing.

Regarding claim 5, the emergency reporting apparatus for a vehicle of Timm as modified in view of Kasai et al comprising all of the limitation as applied to claim 1. The apparatus also comprises means for detecting a level of background sound noise inputted via the microphone, and means for controlling the volume control circuit to adjust the volume of sound generated by the loudspeaker in response to the detected level of background sound noise (see abstract of Kasai et al).

Regarding claim 6, the emergency reporting apparatus for a vehicle of Timm as modified in view of Kasai et al comprising all of the limitation as applied to claim 1. Timm et al also shows means for receiving a volume level control signal from the emergency report receiving center (see fig. 1 and 5). And Kasai et al also disclose means for controlling the volume control circuit to adjust the volume level of sound generated by the loudspeaker in response to the received volume level control signal (see explanation in claim 1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kasai et al to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

Regarding claim 7, the emergency reporting apparatus for a vehicle of Timm as modified in view of Kasai et al comprising all of the limitation as applied to claim 1. The apparatus also comprises means for receiving a volume level control signal from an external device, and means for controlling the volume control circuit to adjust the volume level of sound generated by the loudspeaker in response to the volume level control signal (see abstract of Kasai et al).

Regarding claim 8, Timm et al. teach an emergency reporting network system comprising an emergency report receiving center; a communication network; and emergency report apparatuses connectable with the emergency report receiving center via the communication network (see fig. 1). The emergency reporting network system of Timm et al in view of Kasai et al comprises wherein each of emergency reporting apparatus comprising the emergency reporting apparatus of claim 1 (see explanation in claim 1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kasai et al to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

3. Claims 9-10,17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Easley et al (US Patent Number 5361305).

Regarding claim 9, Timm et al teach in a vehicle including an audio system, a method of reporting an emergency comprises the steps of allowing hands-free speech communication with an emergency report receiving center via a microphone and a loudspeaker; and using a loudspeaker of the audio system as the hands-free speech communication speaker (see abstract; col. 3; lines 9-15; and fig. 5). Timm are silent to disclose that in case where the loudspeaker of

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the audio system is wrong, replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker. However, Easley et al disclose replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker (see col. 4, lines 26-34). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Easley et al to Timm so that user can avoid the case of miss hearing.

Regarding claim 10, the method of emergency reporting vehicle of Timm in view of Easley et al comprising all of the limitation as claimed. The method also comprise one of an audio system loudspeakers located in a right front door, a right rear door, a left front door, a left rear door (see fig. 1 of Easley)

Regarding claim 17, Timm et al teach an emergency reporting apparatus for a vehicle including an audio system comprising: a microphone; a loudspeaker; a hands-free system circuit (see abstract; col. 3; lines 9-15; and fig. 5); and a means for allowing hands-free two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, and the hands-free system circuit; wherein the handsfree speech communication loudspeaker uses a loudspeaker of the audio system (see abstract and fig. 1). Timm et al are silent to disclose means for automatically selecting one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker. However, Easley et al disclose means for automatically selecting one from among a plurality of loudspeakers of the audio system (see col. 4, lines 26-34). Therefore, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to provide the above teaching of the Easley et al to Timm et al in order for using a selected speaker automatically in according with noise detection.

Regarding claim 21, Timm et al teach an emergency reporting apparatus for a vehicle having an audio system including a plurality of loudspeakers comprising: a microphone; a hands-free system circuit; a communication device (see abstract; col. 3; lines 9-15; and fig. 5); and a processor operates to implement hands-free two-way speech communication with an emergency report receiving center via the microphone, the hands-free system circuit; the communication device. Timm et al are silent to disclose at least one selected loudspeaker from among the plurality of loudspeakers of the audio system of the vehicle having determined to be operational. However, Easley et al disclose at least one selected loudspeaker from among the plurality of loudspeakers of the audio system having determined to be operational (see col. 4, lines 26-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Easley et al to Timm et al in order for using a selected speaker automatically in according with noise detection.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Easley et al (US Patent Number 5361305) and further in view of Dawson et al. (US Patent number 4683591)

Regarding claim 12, the method of emergency reporting vehicle of Timm in view of Easley et al comprising all of the limitation as claimed. The method does not comprise the replacing step comprising the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to user's manual operation. However, Dawson teach that audio system comprising switch for switching speaker to another speaker in audio system,

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and means for selecting speakers (see fig. 3 and col. 12, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Dawson to Timm and Easley in order for avoiding losing communication between user and the emergency report center during emergency reporting.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Easley et al (US Patent Number 5361305) and further in view of Hamada et al. (US Patent number 5295192).

Regarding claim 15, the method of emergency reporting vehicle of Timm in view of Easley et al comprising all of the limitation as claimed. The method does not comprise detecting a level sound generated by the loudspeaker of the audio system, and replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to the detected sound level. However, Hamada disclose an electronic noise attenuation method comprising a sensor to detect a level sound generated by the loudspeaker (see col. 1, line 30-40). It is apparent that a sensor to detect a level sound generated by the loudspeaker of Hamada can be applied to the Applicant's sensor as claimed, and user can replace the loudspeaker with another one in response to the detected sound level. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Hamada to Timm and Easley in order for avoiding the noise during communication between user and the emergency report center.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Easley et al (US Patent Number 5361305) and further in view of Rose. (US Patent number 3678202)

Regarding claim 16, the method of emergency reporting vehicle of Timm in view of Easley et al comprising all of the limitation as claimed. The method does not comprise the steps of detecting an impedance of the loudspeaker of the audio system, replacing the loudspeaker of the audio system with another loudspeaker of the audio system when the loudspeaker is wrong. However, Rose teaches that detecting an impedance of the loudspeaker of the audio system and replacing the loudspeaker of the audio system with another loudspeaker of the audio (see col. 2, lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Rose to Timm and Easley in order for avoiding losing communication between user and the emergency report center during emergency reporting.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Easley et al (US Patent Number 5361305) and further in view of Dawson et al. (US Patent number 4683591)

Regarding claim 19, the method of emergency reporting vehicle of Timm in view of Easley et al comprises all of the limitation as claimed. The method of Timm et al in view of Easley et al does not comprise a unit manually operable by a user, and means for selecting one from among loudspeakers of the audio system as the handsfree speech communication loudspeaker in response to manual operation to the unit by the user. However, Dawson teach that audio system comprising switch for switching speaker to another speaker in audio system, and means for selecting speakers (see fig. 3 and col. 12, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the

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above teaching of the Dawson to Timm and Easley et al in order for avoiding losing communication between user and the emergency report center during emergency reporting.

Allowable Subject Matter

8. Claims 4 and 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, the emergency reporting apparatus for a vehicle of Timm in view of Kasai et al comprising all of the limitation as applied to claim 1. The apparatus does not comprise second means for allowing a user to change the volume level after the first means controls the volume level at the predetermined constant level, and third means for preventing the volume level from moving out of a predetermined range after the volume is changed via the second means, as specified in claim 4.

Regarding claim 13, the audio system method in a vehicle of Timm in view of Easley comprising all of the limitation as claimed 9. The method Skeen does not comprise wherein the replacing step comprising the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to a loudspeaker change requirement signal transmitted from the emergency report receiving center, as specified in claim 13.

Claim 14 depends on claim 13. Therefore, it is objected.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen


SINH TRAN
PRIMARY EXAMINER